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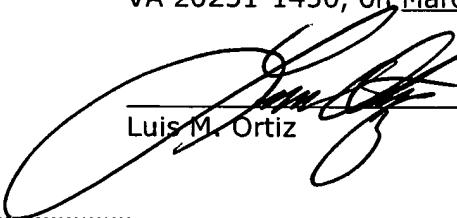
APPLICANT: Luis M. Ortiz, et al. EXAMINER: Selby, Gevell V.  
SERIAL NO.: 10/620,098 GROUP: 2622  
FILED: 7/14/2003 ATTY DKT NO.: 1000-1306

TITLED: PROVIDING MULTIPLE SYNCHRONIZED CAMERA VIEWS FOR  
BROADCAST FROM A LIVE VENUE ACTIVITY TO REMOTE VIEWERS

**CERTIFICATE OF MAILING**

Please forward all correspondence to:  
ORTIZ & LOPEZ, PLLC  
P.O. Box 4484  
Albuquerque, NM 87196-4484

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**APPEAL BRIEF FILED UNDER C.F.R. §1.192**

Dear Sir:

In response to the Notice of Panel Decision from Pre-Appeal Brief Review dated January 24, 2008, please accepted this appeal brief.

## **I. REAL PARTY IN INTEREST**

Luis M. Ortiz is the inventor of and also the real party in interest in the present invention. Mr. Ortiz is the "Appellant" entitled to bring forward this appeal.

## **II. RELATED APPEALS AND INTERFERENCES**

U.S. Application Serial No. 09/902,348, filed as a non-provisional application on July 10, 2001, was appealed on September 27, 2007. The appeal in U.S. Serial No. 09/902,348 is still pending.

## **III. STATUS OF CLAIMS**

Claims 1-70 were originally filed in the application on 07/14/2003.

In a first office action, claims 1, 3-6, 11-15, 18-24, 33, 35-38 and 43-56 stood rejected under 35 U.S.C. §102(a) as being anticipated by Anderson, Jr. et al (US Patent No. 6,578,203). Claims 2, 25, 26, 34, 57, 58 and 65-70 stood rejected under 35 U.S.C. §103(a) as being unpatentable over Anderson, Jr. et al. (US Patent No. 6,578,203) in view of Paff (US Patent No. 5,164,827). Claims 27-30 and 59-62 stood rejected under 35 U.S.C. §103(a) as being unpatentable over Anderson, Jr. et al. (US Patent No. 6,578,203) in view of Paff (US Patent No. 5,164,827) and further in view of Honey et al (U.S. Patent no. 6,154,250). Claims 7-10, 17 and 39-42 stood rejected under 35 U.S.C. §103(a) as being unpatentable over Anderson, Jr. et al. (US Patent No. 6,578,203) in view of Narayanaswami (US Patent No. 6,679,654). Claims 12, 69 and 70 stood objected to.

In response to the first office action, claims 5, 8, 11-12, 17, 26, 28-30, 32, 41, 43, 49, 62 and 64 were canceled. Claims 1-4, 6-7, 9-10, 13-16, 18-22, 24-25, 27, 31, 33-40, 42, 44-46, 50, 58-61, 63 and 69-70 were been amended to place them in better form for allowance. New claims 71-94 were added.

In a second office action dated 07/12/2007, made FINAL, Claims 1-4, 6, 13, 14, 15, 16, 18-24, 25, 33-38, 44-48, 50-58, 65-70, 74-80 and 83-85 were rejected again under 35 U.S.C. 103(a) as being unpatentable over *Anderson, Jr. et al.*, 6,579,203 ("Anderson"), in

view of *Paff*, US 5,164,827. Claims 7, 9, 10, 39, 40, 42, and 71-73 were rejected under 35 U.S.C. §103(a) as being unpatentable over *Anderson* in view of *Paff* as applied to independent claims 1, 33 and 65, and further in view of *Narayanaswami*, US 6,657,654. Claims 27, 59, 60, 61, 81 and 82 were rejected under 35 U.S.C. 103(a) as being unpatentable over *Anderson et al* in view of *Paff* as applied to claims 2 and 34 and further in view of *Honey et al*, U.S. 6,154,250.

In response to the Final office action, a Pre-Appeal Brief Request for Review was filed on 10/03/2007. A Notice of Panel Decision from Pre-Appeal Brief Review dated 01/24/2008 was issued directing the matter to proceed to the Board of Patent Appeal and Interferences because there is at least one actual issue for appeal.

The final rejection of claims 1-4, 6, 7, 9, 10, 13-16, 18-25, 27, 29, 31, 33-40, 42, 44-48, 50-61, 63 and 65-85 is appealed.

#### **IV. STATUS OF AMENDMENTS**

Amendment entered as a result of Appellant's paper filed 04/20/2007 were entered by Examiner prior to rendering the final office action dated April 26, 2005 in response to the FINAL rejection. There are no outstanding or un-entered amendments. Claims 1-4, 6, 7, 9, 10, 13-16, 18-25, 27, 29, 31, 33-40, 42, 44-48, 50-61, 63 and 65-85 are the subject of this appeal.

#### **V. SUMMARY OF CLAIMED SUBJECT MATTER**

Independent claims 1, 35 and 65 will be the subject of this appeal.

The invention claimed in independent claims 1, 35 and 65, as taught throughout Applicants' specification and illustrated throughout all thirty one figures, provides methods and systems that enable the capturing of at least two views from at least two synchronized cameras located at an entertainment arena.

The Applicant's invention is specifically related to the field of technology for multimedia live venue entertainment. Applicant's claimed invention is useful because it allows for the provision video entertainment in the form of more than one video perspective

captured by more than one synchronized camera located at and capturing video from a live entertainment venue for processing and delivery from server for display at remote viewers. An important aspect of all Applicant's independent claims is the use of synchronized cameras for the simultaneous capture a live entertainment activity in an arena. Synchronized cameras as described and claim by Appellant include use a primary camera and at least one slave camera located proximate to the arena with movement of the at least one slave camera being synchronized to movement of the primary camera. What is also distinct and claimed by Appellant is that the at least two arena camera views provided from the primary camera and the at least one slave camera are transmitted to a server where they are processed for display on a display screen associated with at least one remote viewer.

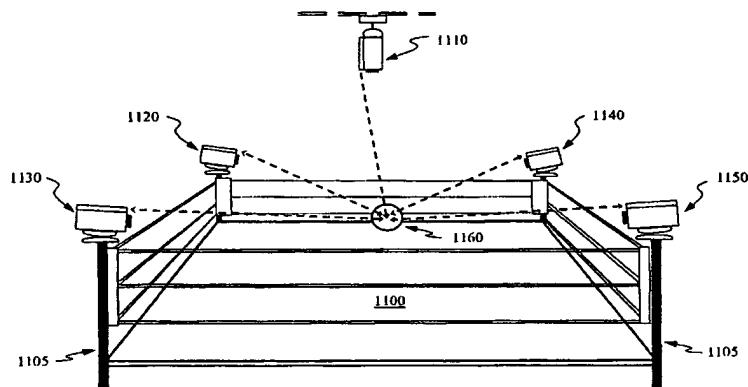
The synchronized cameras claimed by Appellant operative specifically in a live entertainment venue such as a boxing arena and are in a master-slave operating relationship wherein movement of the at least one slave camera is synchronized to movement of the primary camera enabling the primary camera and the at least one slave camera to remain focused on a similar target of interest in the arena while simultaneously capturing the at least two arena camera views and are positioned proximate to/around a live event (e.g., boxing ring) at the entertainment venue.

The synchronized cameras claimed by Appellant simultaneously capture at least two arena camera views of a live entertainment activity and transmit them to a server where they are processed for display on a display screen associated with at least one remote viewer. The at least two synchronized camera views are then transmitted to at least one remote viewer from the server enabling display of at least one arena camera view on a display screen associated with at least one remote viewer in response to user selection at the at least one remote viewer of said at least one arena camera view from said at least two arena camera views.

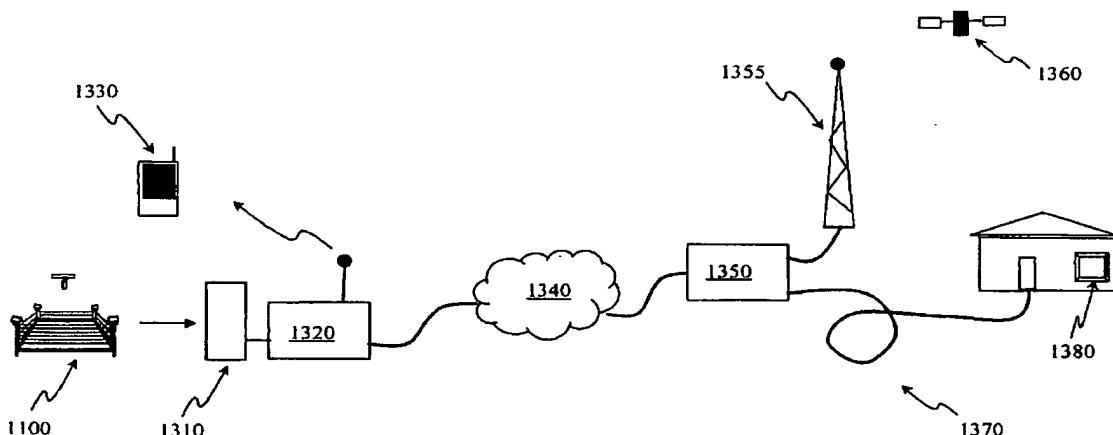
Once transmitted to a remote viewer, the at least one arena camera view is displayed on a display screen associated with at least one remote viewer in response to user selection of said at least one arena camera view from said at least two arena camera views at the at least one remote viewer. Remote viewers can include digital entertainment monitors (e.g., HDTV systems) served data via cable television networks and/or satellite networks and also hand held devices (e.g., smart phones, PDAs) served data via cellular telecommunications networks and/or WiFi, the remote viewers adapted to enable

simultaneous receipt of multiple video perspective for selective display on a screen associated with the remote viewer.

The claimed invention is more simply understood and clearly illustrated by FIGS. 28 and 31 of the appealed application wherein a entertainment venue activity 1100 (i.e., boxing ring) with a master camera 1110 and four slave cameras 1120-1150 are positioned to capture live video of activity and focused on the same target 1160, and transmit simultaneously captured video to a server 1310 for processing and then transmission (1320, 1340, 1350, 1355, 1360, 1370) to remote viewers 1330/1380 for user selection of video from more than one camera.



**FIG. 28**



**FIG. 31**

FIGS. 28-31 of Applicants' specification best illustrate an example of a typical scenario at an entertainment arena wherein a primary camera (master camera) is located above a boxing ring and at least two slave cameras are deployed around the boxing ring (in each corner). The slave cameras move in synchronization with the primary camera enabling the capture of more than one video perspective of activity within the boxing ring. Spectators at the arena or remote (e.g., at home) can view more than one video perspective given the more than one perspective being captured by the synchronized cameras. Such a system has not been taught or suggested in patents or publications.

Communications between the synchronized camera system and remote viewers as claimed and explicitly defined in the specification can include use of public or private, secured or non-secured wireless equipment (e.g., servers, gateways, transmitters) and communications networks (e.g., IP data network, WiFi, Satellite, Cable TV, GSM, GPRS, W-CDMA) as described in the application.

Direct association to specific locations in the specification drawings, of the claim language specifically distinguishing each independent claim from the art of record (underlined for claims 1, 33, and 65 below), is shown by figure number and element identifier, and by page and line number, as indicated below:

<b>Appellant's Claim 1</b>	<b>Specific References to locations within Applicants' Specification/Drawings</b>
A method for capturing, transmitting and processing arena camera views in an entertainment arena as video for display on a display screen associated with at least one remote viewer, said method comprising the steps of:	Figs. 4-9, 22, 25-29 and 31. Pages 68, line 9, through page 72, line 5, of the specification.
simultaneously capturing at least two arena camera views of a live entertainment activity in an arena using a primary camera and at least one slave camera located proximate to the arena wherein movement of the at least one slave camera is synchronized to movement of the primary camera enabling the primary camera and the at least one slave camera to remain focused on a similar target of interest in the arena while simultaneously	Figs. 29 and 31 (shown above). Pages 68, line 9, through page 72, line 5, of the specification.

capturing the at least two arena camera views; and	
transmitting said at least two arena camera views provided from the primary camera and the at least one slave camera to a server;	Figs. 31 (shown above). Pages 68, line 9, through page 72, line 5, of the specification.
processing said at least two arena camera views at said server for display on a display screen associated with at least one remote viewer; and	Figs. 31 (shown above). Pages 68, line 9, through page 72, line 5, of the specification.
enabling display of at least one arena camera view on a display screen associated with at least one remote viewer in response to user selection of said at least one arena camera view from said at least two arena camera views at the at least one remote viewer, thereby enabling a user of the at least one remote viewer to view the at least one arena camera view through said display screen associated with the remote viewer.	FIG. 31 (Shown above). Pages 68, line 9, through page 72, line 5, of the specification.

<b>Applicants' Claim 33</b>	<b>Specific References to locations within Applicants' Specification/Drawings</b>
A system for transmitting over a communications network more than one video perspective provided by synchronized cameras simultaneously capturing multiple views of an entertainment activity at an arena for display at remote viewers, said system comprising:	Figs. 29 and 31 (shown above). Pages 68, line 9, through page 72, line 5, of the specification.
synchronized cameras including a primary camera and at least one slave camera located proximate to an arena for capturing more than one video perspective of entertainment activity in the arena, wherein the more than one video perspective of entertainment activity can be transmitted from	Figs. 29 and 31 (shown above). Pages 68, line 9, through page 72, line 5, of the specification.

said synchronized cameras to a server;	
a server for processing the more than one video perspective of entertainment activity for display on a display screen associated with at least one remote viewer; and	Figs. 31 (shown above). Pages 68, line 9, through page 72, line 5, of the specification.
a communications network for transmitting the more than one video perspective of entertainment activity to at least one remote viewer for selective display of the more than one video perspective of entertainment activity on a display screen associated with said at least one remote viewer.	Figs. 31 (shown above). Pages 68, line 9, through page 72, line 5, of the specification.

<b>Appellants' Claim 65</b>	<b>Specific References to locations within Applicants' Specification/Drawings</b>
A system for transmitting more than one video perspective provided by synchronized cameras simultaneously capturing multiple views of an entertainment activity at an arena for display on a display screen associated with at least one hand held device located in the arena, said system comprising:	Figs. 29 and 31 (shown above). Pages 68, line 9, through page 72, line 5, of the specification.
synchronized cameras including primary camera and at least one slave camera located proximate to an arena for capturing more than one video perspective of entertainment activity in the arena, wherein the more than one video perspective of entertainment activity can be transmitted from said synchronized cameras to a server;	Figs. 29 and 31 (shown above). Pages 68, line 9, through page 72, line 5, of the specification.
a server for processing the more than one video perspective of entertainment activity	Figs. 31 (shown above). Pages 68, line 9, through page 72, line 5, of

for display on a display screen associated with at least one hand held device physically located in the arena; and	the specification.
a communications network associated with said server, wherein the more than one video perspective of entertainment activity can be communicated from said server through said communications network to said at least one hand held device;	
wherein the more than one video perspective of entertainment activity is displayed on said at least one display screen in response to a user selection at the at least one hand held device, thereby enabling a user of said at least one hand held device to view at least one of the more than one video perspective of entertainment activity through said at least one hand held device.	Figs. 29 and 31 (shown above). Pages 68, line 9, through page 72, line 5, of the specification.

The invention as shown by claimed elements in each of the above claims is explicitly described in the specification as indicated and provides for the capturing of video images from more than one perspective of a venue-based activity using more than one synchronized video camera and processing of the video images in a server for transmission to and display by remote viewers adapted for simultaneously receiving more than one video perspective of venue-based data captured by more than one video camera and selectively displaying video transmitted to the remote viewer.

## **VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL**

- **Whether independent claims 1 is nonobvious and patentable over Anderson, Jr. et al. (U.S. Patent No. 6,578,203) in view of Paff (US Patent No. 5,164,827).**
- **Whether independent claims 33 is nonobvious and patentable over Anderson, Jr. et al. (U.S. Patent No. 6,578,203) in view of Paff (US Patent No. 5,164,827).**
- **Whether independent claims 65 is nonobvious and patentable over Anderson, Jr. et al. (U.S. Patent No. 6,578,203) in view of Paff (US Patent No. 5,164,827).**

The focus of Appellants' argument will be on independent claims 1, 33, and 65; therefore, three (III) groups of claims associated with independent claims 1, 33 and 65 are being consolidated together for simplification of argument and appellate review as follows:

### **GROUP I CLAIMS:**

Group I consists of claims 1-4, 6-7, 9-10, 13-16, 18-25, 27, 29, and 31. Claim 1 is independent. Claims 2-4, 6-7, 9-10, 13-16, 18-25, 27, 29, and 31 stand or fall with independent claim 1.

Claim 1 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Anderson, Jr. et al., (U.S. Patent No. 6,578,203) in view of Paff (US Patent No. 5,164,827).

### **GROUP II CLAIMS:**

Group II consists of claims 33-40, 42, 44-48, 50-61, 63. Claim 33 is independent. Claims 32-40, 42, 44-48, 50-61 and 63 stand or fall with independent claim 33.

Independent claim 33 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over *Anderson et al* in view of *Paff*.

### **GROUP III CLAIMS:**

Group III consists of claims 65-85. Claim 65 is independent. Claims 66-85 stand or fall with independent claim 65.

Independent claim 65 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over *Anderson et al* in view of *Paff*.

## VII. ARGUMENT

### APPLICABLE LEGAL STANDARD

The obligation of the Examiner to go forward and produce reasoning and evidence in support of obviousness under 35 U.S.C. §103 is clearly defined at M.P.E.P. §2142:

The examiner bears the initial burden of factually supporting any *prima facie* conclusion of obviousness. If the examiner does not produce a *prima facie* case, the applicant is under no obligation to submit evidence of nonobviousness.

M.P.E.P. §2143 sets out the three basic criteria that a patent examiner must satisfy to establish a *prima facie* case of obviousness necessary for establishing a rejection to a claim under 35 U.S.C. §103:

1. some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings;
2. a reasonable expectation of success; and
3. the teaching or suggestion of all the claim limitations by the prior art reference (or references when combined).

It follows that in the absence of such a *prima facie* showing of obviousness under 35 U.S.C. §103 by the examiner (assuming there are no objections or other grounds for rejection), an applicant is entitled to grant of a patent. *In re Oetiker*, 977 F.2d 1443, 1445, 24 USPQ2d 1443 (Fed. Cir. 1992).

Thus, in order to support an obviousness rejection under 35 U.S.C. §103, the Examiner is obligated to produce evidence compelling a conclusion that each of the three aforementioned basic criteria has been met. If the examiner fails to produce such a conclusion for each of the aforementioned criteria, the rejection must be withdrawn.

Prior to discussing the Appellants' position, Appellants believes it would be helpful for the Board to read a brief description of the limitations of the *Anderson et al* and *Paff* references, which have served *in combination* as the primary references for Examiner's rejection of all independent claims in the appealed application.

## **SUMMARY OF LIMITATIONS IN ANDERSON ET AL**

Two key distinctions should about the *Anderson et al* patent as a reference are apparent and should be considered regarding its suitability as a reference against Appellant's claimed invention, either alone or in combination with *Paff*. First, *Anderson et al* does not teach the use of a server. Second, *Anderson et al* does not provide/describe an environment that would suggest to or motivate the skilled to incorporate master-slave cameras within its live entertainment venue system. Third, *Anderson et al* is not operated as a "hand held device" as suggested by Examiner, and as taught as one of the remote viewer adapted to receive video from synchronized cameras at a live entertainment as described in Applicant's specification.

Examiner relies on the text in column 2, line 66 through column 3, lines 1-15, and also column 4, lines 6-54, for support of a teaching in *Anderson et al* of the concept "transmitting said at least two arena camera views provided from at least two synchronized cameras to a server. The Examiner, however, admits that the video cameras positioned around the event are considered to be the "synchronized cameras" taught by Appellant.

## **SUMMARY OF LIMITATIONS IN PAFF**

Examiner looked to the *Paff* patent for its teaching of a master-slave camera system. What is important to understand about *Paff* is that it is only directed to a security surveillance system, does not teach a server, and does not suggest that it is a system that would be used to provide video of entertainment activities.

The specification in *Paff* describes a "surveillance system with master camera control of slave camera" for providing visual surveillance of a premises. *Paff* describes its background how a "security operator" located at a master control panel has the capability of individually adjusting the viewing or optical axis of cameras by changing the pan and tilt angles of the cameras; however, security operators find difficulty simultaneously controlling two cameras while tracking a subject moving through a premises, according to the background in *Paff*. *Paff* is clearly focused on improving security surveillance system with master-slave cameras that enable a security officer to control only one camera (master) without having to bother with other cameras (slaves) in the video surveillance system.

## **CONSOLIDATED ARGUMENT IN SUPPORT OF PATENTABILITY OF GROUPS I-III.**

**Claims 1 (Group I), 33 (Group II), and 65 (Group III) are nonobvious and patentable over Anderson, Jr. et al. (U.S. Patent No. 6,578,203) in view of Paff (US Patent No. 5,164,827). Independent claim 1, 33 and 65 are independent and stand or fall, apart from each other.**

### **A "Server" is not taught in Anderson et al or Paff.**

Examiner did not establish a *prima facie* case of obviousness necessary for establishing a rejection to claims 1, 33 and 65 under 35 U.S.C. §103 by not meeting part 3 of the criteria for obviousness provided by M.P.E.P. §2143. Particularly, *Anderson et al* in view of *Paff* fails to teach or suggest all the claim limitations by not teaching a "server." *Paff* does not mention a server at all, which is acknowledged by Examiner's silence regarding the *Paff* teachings in this regard. *Anderson et al*, however, is cited as the primary reference by Examiner for teaching a server.

After closely reviewing column 2, line 66 through column 3, lines 1-15 in *Anderson et al* after the first office action, Appellant could not find the "server" referred to by Examiner. The language cited by Examiner is copied below for the Board's convenience:

The preferred embodiment of the present invention will be described hereafter in the context of auto racing appli-

### **3**

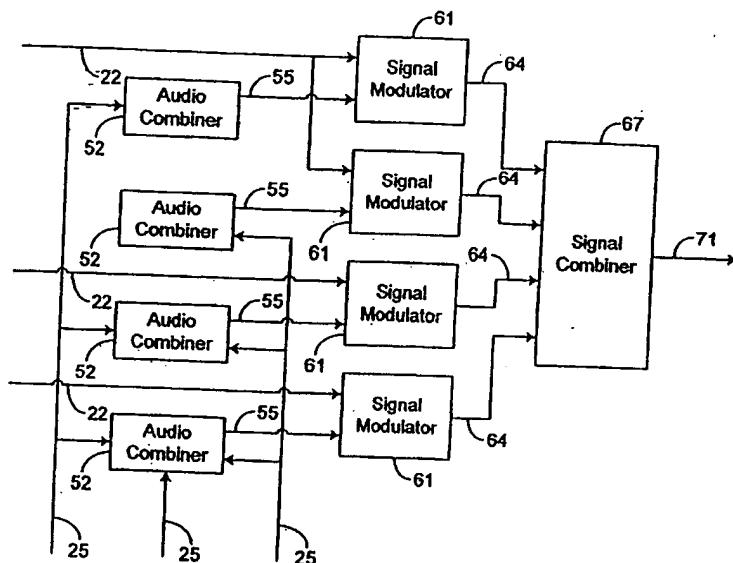
cations. However, the scope of the present invention should not be so limited, and it should be apparent to one skilled in the art that the principles of the present invention may be employed in the context of other applications, particularly in the context of other sporting events (e.g., football games, basketball, games, baseball games, hockey matches, etc.).

FIG. 1 depicts a video/audio system 20 implementing the principles of the present invention. At least one video signal 22 and at least one audio signal 25 are received by an interface device 28. Each of the received video signals 22 defines a view of the race from a different perspective. For example, the video signals 22 may be generated by different video cameras located at different locations around the stadium, including inside at least some of the vehicles participating in the race.

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Perhaps the "interface device 28" is what Examiner believes to be a server. After a careful reading of the entire specification in *Anderson et al*, however, it should become clear that a server is not in fact being taught. What *Anderson et al* describes is an analog device referred to as an "interface device 28" operating with the narrow purpose of receiving signals and combining the signals for transmission to end users. This is more specifically described in column 4, lines 6-17, and illustrated FIG. 1 of *Anderson et al*:

FIG. 2 depicts a more detailed view of the interface device 28. The interface device 28 includes audio combiners 52 configured to receive audio signals 25 and to combine the received audio signals 25 into a single combined audio signal 55. As shown by FIG. 2, each audio combiner 52 preferably receives a different combination of audio signals 25, although it is possible for any one of the combined signals 55 to include the same combination of audio signals 25 as any other combined signal 55. Note that when an audio combiner 52 receives only one audio signal 25, the combined signal 55 output by the combiner 52 matches the one signal 25 received by the combiner 52.



*Anderson et al* in view of *Paff* does not obviate the process of simultaneously capturing at least two arena camera views of a live entertainment activity in an arena using a primary camera and at least one slave camera located proximate to the arena wherein movement of the at least one slave camera is synchronized to movement of the primary camera enabling the primary camera and the at least one slave camera to remain focused

on a similar target of interest in the arena while simultaneously capturing the at least two arena camera views, transmitting the at least two arena camera views provided from the primary camera and the at least one slave camera to a server, transmitting said at least two arena camera views provided from the primary camera and the at least one slave camera to a server, processing said at least two arena camera views at said server for display on a display screen associated with at least one remote viewer, and enabling display of at least one arena camera view on a display screen associated with at least one remote viewer in response to user selection of said at least one arena camera view from said at least two arena camera views at the at least one remote viewer, thereby enabling a user of the at least one remote viewer to view the at least one arena camera view through said display screen associated with the remote viewer (CLAIM 1).

*Anderson et al* in view of *Paff* does not obviate the use of synchronized cameras including a primary camera and at least one slave camera located proximate to an arena for capturing more than one video perspective of entertainment activity in the arena, wherein the more than one video perspective of entertainment activity can be transmitted from said synchronized cameras to a server for processing the more than one video perspective of entertainment activity for display on a display screen associated with at least one remote viewer, and a communications network for transmitting the more than one video perspective of entertainment activity to at least one remote viewer for selective display of the more than one video perspective of entertainment activity on a display screen associated with said at least one remote viewer (CLAIM 33).

*Anderson et al* in view of *Paff* does not obviate the receipt of synchronized video signals from a master camera and slave cameras capturing video around an "entertainment activity" at a live entertainment venue and processing of the video signals from a master camera and slave cameras in a server for transmission through a communications network to at least one and held device (Claim 65).

**Environment necessary for Motivation and Suggestion to Combine is not taught.**

Examiner did not establish a *prima facie* case of obviousness necessary for establishing a rejection to claims 1, 33 and 65 under 35 U.S.C. §103 in failing to meet part 1 of the criteria for obviousness provided by M.P.E.P. §2143. In particular, *Anderson et al* in view of *Paff* fails in providing some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings to provide synchronized (master-

slave) cameras around an entertainment activity in an entertainment venue to capture video signals from master camera and slave cameras for transmission to and processing by a server for transmission to remote viewers.

Anderson mentioned the following applications for his system in column 2, line 66, through column 3, line 6, of his detailed specification:

The preferred embodiment of the present invention will be described hereafter in the context of auto racing appli-

cations. However, the scope of the present invention should not be so limited, and it should be apparent to one skilled in the art that the principles of the present invention may be employed in the context of other applications, particularly in the context of other sporting events (e.g., football games, 5 basketball, games, baseball games, hockey matches, etc.).

FIG. 1 depicts a video/audio system 20 implementing the principles of the present invention. At least one video signal 22 and at least one audio signal 25 are received by an interface device 28. Each of the received video signals 22 defines a view of the race from a different perspective. For example, the video signals 22 may be generated by different video cameras located at different locations around the stadium, including inside at least some of the vehicles participating in the race. 10 15

*Anderson et al* continues to describe its anticipated operating environment in column 6, lines 34-29, as follows:

25 In this regard, the interface device 28 preferably receives at least a video signal 22 defining the in-car view of his favorite driver and a plurality of audio signals 25 defining the sounds received by the microphone in his favorite driver's car, the dialogue between the driver and the driver's pit crew, and the comments from the radio commentator. At 20

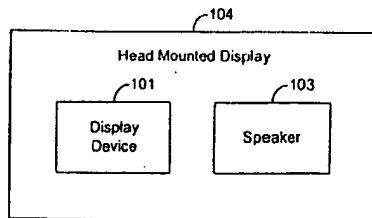
Appellant does not disagree that *Anderson et al* in fact teaches a system used in entertainment venues and a system used for capturing video of entertainment activities at live entertainment venues; however, *Anderson et al* fails to provide the teaching, suggestion and motivation needed for one skilled in the art to incorporate master-slave cameras within

the entertainment venues applications described by *Anderson et al.* The only way that one skilled in the art could have been motivated to apply common sense to reach into security surveillance for a master-slave camera system like *Paff* is if the proper environment or need were implied or suggested in *Anderson et al.* A close reading of *Anderson et al* does not provide the need one skilled in the art would find in order to begin to garner a teaching or suggestion necessary for the motivation to combine *Anderson et al* with *Paff*.

It is important when combining reference that impermissible hindsight not be used to arrive at the combination. Given the lack of common teaching between *Anderson et al* and *Paff* of an environment within an entertainment venue wherein synchronized camera technology would be necessary, it is difficult to ignore that hindsight was likely used in combining *Anderson et al* with *Paff*. *Anderson et al* does not teach an environment, such as that of a boxing ring or wrestling arena, wherein master slave cameras would actually work and provide a benefit.

**Anderson et al does not teach a handheld device.**

As collateral matter that is more of record, Appellant wishes to point out that *Anderson et al* does not teach a handheld device within the meaning of the word in Appellant's specification. Examiner refers to the *Anderson et al* device as a handheld device during prosecution. While not central to the issue of nonobviousness in Appellant's independent claims with respect to synchronized camera use in an entertainment venue, it is still a matter of importance to Appellant given prosecution of the dependent claims (e.g., claim 3) wherein *Anderson et al* operating as a "hand held device" is suggested. The title of the patent in *Anderson et al* specifically refers to a "head mounted display." In fact, the *Anderson et al* reference is entitled "audio/video signal distribution system for Head Mounted Displays." Specifically teaches a head mounted display. FIG. 4 copied from *Anderson et al* shows the device 104 as being a "Head Mounted Display."



**FIG. 4**

With respect to the first distinction, the preferred embodiment of *Anderson et al* teaches a head mounted display in a well known form factor similar to binoculars. *Anderson et al* requires the user to mount a binocular-like device up to the user's eyes in order to view a video presentation. *Anderson et al* describes the head mounted display "HMD" 104 by referring to another well known "head mounted" device from the prior art. Specifically, the *Anderson et al* reference calls on support for a HMD into his specification by referring to U.S. Patent No. 5,844,656 entitled "Head Mounted Display with Adjustment Components" by *Ronzani et al*, which is specifically incorporated by reference in *Anderson et al* (i.e., see column 25, lines 25-30). A close review of *Ronzani et al* reveals that HMD 104 in *Anderson et al* is not in fact a hand held device. FIGS. 1-9 in *Ronzani et al* clearly teach a device that is "head mounted" and not a device that is "hand held". FIG. 8 of *Ronzani* has been copied below to illustrate the preferred device taught by and specifically incorporated by reference into *Anderson et al*.

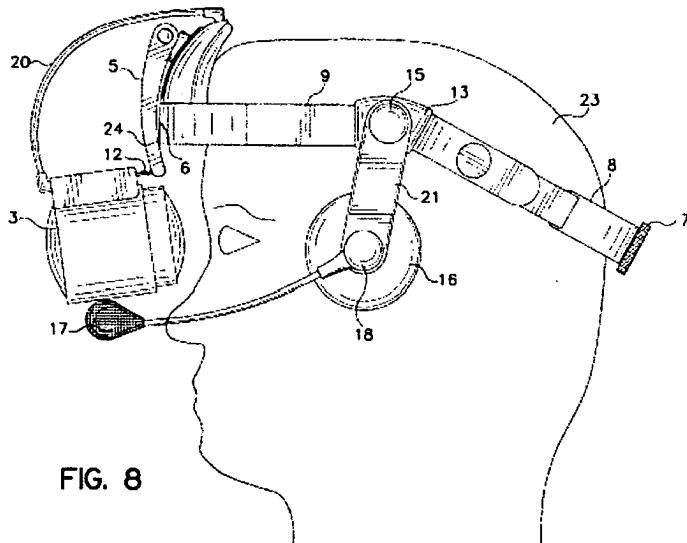


FIG. 8

The HMD 20 taught by *Ronzani et al*, like *Anderson et al*, must be attached to a person's head 23 during its use and proper operation. As indicated at column 3, lines 39-65 of *Ronzani et al*, a headband (8) is utilized to attach the HMD to a person's head (23). Additionally, *Ronzani et al* points out at column 2, lines 15-17 that it is "a further object of this invention to provide an adjustable HMD that is designed to be comfortably worn over a long period of time".

Thus, the HMD taught by *Ronzani et al* and *Anderson et al* are worn by or attached to a person's head and does not constitute a hand held device during operation. The *Anderson*

*et al* device is not similar to the “hand held” device taught by appellants, such as PDAs, cellular telephones, hand held televisions, or the like, which are specifically held in a user’s hand during use for viewing video and are more conducive to enabling the user to view more than one video signal simultaneous on a display and for enabling selection of a single video image by the user.

## VIII. SUMMARY OF ARGUMENTS AND CONCLUSION

Appellant is entitled to grant of a patent for the pending claims given the absence of a *prima facie* showing of obviousness under 35 U.S.C. §103 by the Examiner. The three basic criteria that a patent examiner must satisfy to establish a *prima facie* case of obviousness necessary for establishing a rejection to a claim under 35 U.S.C. §103 and set forth in M.P.E.P. §2143 are not met by the combination of *Anderson et al* and *Paff*.

Specifically, Appellant has shown that the combination of *Anderson et al* and *Paff* fails to meet elements 1 and 3 of the criteria requiring:

1. ***some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings;***
2. a reasonable expectation of success; and
3. ***the teaching or suggestion of all the claim limitations by the prior art reference (or references when combined).***

The combination of *Anderson et al* and *Paff* fails to teach or suggest all the elements of the claims and the above criteria as discussed herein. The claims of the present invention are not taught or suggested by the combination of *Anderson et al* and *Paff*, which are the primary reference used to reject Appellants’ independent claims under 35 U.S.C. §103(a) as obvious.

Combining *Anderson et al* and *Paff* fails to teach or yield the invention as claimed by Appellant. Furthermore, one of skill in the art could not be motivated to make such a combination where an environment necessitating such a combination is suggested.

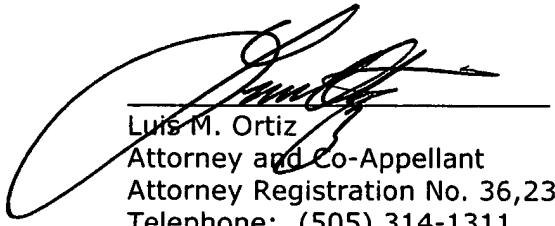
Finally, such a combination would not work since neither reference teaches the use of a server and the use of master-slave cameras in capturing entertainment venue activities.

Therefore, the independent claims of the appealed application are not obvious in light of any combination of *Anderson et al* and *Paff*.

Based on Appellant's arguments and discussion about the rejections rendered against his claims and how the cited art lacks in meeting the criteria, Appellant respectfully requests reversal of the rejections against his claims on appeal. Applicant also respectfully requests that the Examiner be instructed to process the application for prompt issuance.

Dated submitted: March 24, 2008.

Respectfully submitted,



Luis M. Ortiz  
Attorney and Co-Appellant  
Attorney Registration No. 36,230  
Telephone: (505) 314-1311  
E-mail: lortiz@olpatentlaw.com

## IX. CLAIMS APPENDIX

1. A method for capturing, transmitting and processing arena camera views in an entertainment arena as video for display on a display screen associated with at least one remote viewer, said method comprising the steps of:

simultaneously capturing at least two arena camera views of a live entertainment activity in an arena using a primary camera and at least one slave camera located proximate to the arena wherein movement of the at least one slave camera is synchronized to movement of the primary camera enabling the primary camera and the at least one slave camera to remain focused on a similar target of interest in the arena while simultaneously capturing the at least two arena camera views;

transmitting said at least two arena camera views provided from the primary camera and the at least one slave camera to a server;

processing said at least two arena camera views at said server for display on a display screen associated with at least one remote viewer; and

enabling display of at least one arena camera view on a display screen associated with at least one remote viewer in response to user selection of said at least one arena camera view from said at least two arena camera views at the at least one remote viewer, thereby enabling a user of the at least one remote viewer to view the at least one arena camera view through said display screen associated with the remote viewer.

2. The method of claim 1 further comprising the step of configuring said primary camera and said at least one slave camera using a computer to enable movement of said at least one slave camera that is dependent on movement of said primary camera.
3. The method of claim 1 wherein the at least one remote viewer comprises a hand held device.

4. The method of claim 1 wherein the at least one remote viewer comprises a digital entertainment device.
6. The method of claim 5 wherein said user input comprises a user selection of a button on a GUI associated with the at least one remote viewer.
7. The method of claim 1 further comprising the step of recording said at least one arena camera view in a memory associated with the at least one remote viewer in response to user input at the at least one remote viewer.
9. The method of claim 7 wherein said memory location comprises storage media.
10. The method of claim 7 wherein said at least one arena camera view comprises an instant replay.
13. The method of claim 1 further comprising the step of transmitting said at least one arena camera view from said server to the at least one remote viewer for display on said display screen associated with the at least one remote viewer, wherein transmission of the at least one arena camera view from said server is through a wireless communications network.
14. The method of claim 1 further comprising the step of transmitting said at least one arena camera view from said server to the at least one remote viewer for display on said display screen associated with the at least one remote viewer, wherein transmission of the at least one arena camera view from said server is through a data communications network associated with said server.
15. The method of claim 13 wherein said wireless communications network further comprises a satellite communications network.

16. The method of claim 14 wherein said data communications network comprises a digital cable television network.
18. The method of claim 1 wherein said arena comprises at least one of: a boxing arena, a wrestling arena, a football arena, a basketball arena, a racing venue, a concert venue.
19. The method of claim 2 wherein said arena comprises at least one of: a boxing arena, a wrestling arena, a football arena, a basketball arena, a racing venue, a concert venue.
20. The method of claim 7 wherein said arena comprises at least one of: a boxing arena, a wrestling arena, a football arena, a basketball arena, a racing venue, a concert venue.
21. The method of claim 13 wherein said arena comprises at least one of: a boxing arena, a wrestling arena, a football arena, a basketball arena, a racing venue, a concert venue.
22. The method of claim 14 wherein said arena comprises at least one of: a boxing arena, a wrestling arena, a football arena, a basketball arena, a racing venue, a concert venue.
23. The method of claim 1 wherein said arena comprises a sports venue.
24. The method of claim 27 wherein said arena comprises at least one of: a boxing arena, a wrestling arena, a football arena, a basketball arena, a racing venue, a concert venue.
25. The method of claim 1 further comprising the step of associating one primary camera with more than one synchronized camera.

27. The method of claim 1 further comprising the step of configuring said at least one primary camera to comprise at least one RF tag detector that is adapted to detect the location and direction of at least one RF tag associated with a target performing within said arena and wherein movement of said at least one slave camera is synchronized to movement of the primary camera based upon movement of said RF tag and the target.

31. The method of claim 2 further comprising the steps of:

locating a laser source at said at least one primary camera;

transmitting a laser beam from said laser source towards a moving target within said arena;

associating a laser light detector with said at least one slave camera, wherein said laser light detector identifies termination of a laser beam emanating from said laser source where the laser beam impinges on the moving target; and

automatically tracking the moving target within said arena based on the identification of the termination of the laser beam on the moving target via said laser light detector.

33. A system for transmitting over a communications network more than one video perspective provided by synchronized cameras simultaneously capturing multiple views of an entertainment activity at an arena for display at remote viewers, said system comprising:

synchronized cameras including a primary camera and at least one slave camera located proximate to an arena for capturing more than one video perspective of entertainment activity in the arena, wherein the more than one video perspective of entertainment activity can be transmitted from said synchronized cameras to a server;

a server for processing the more than one video perspective of entertainment activity for display on a display screen associated with at least one remote viewer; and

a communications network for transmitting the more than one video perspective of entertainment activity to at least one remote viewer for selective display of the more than one video perspective of entertainment activity on a display screen associated with said at least one remote viewer.

34. The system of claim 33 wherein movement of said at least one slave camera is dependent on a movement by said primary camera.
35. The system of claim 33 further comprising at least one remote viewer, wherein said at least one remote viewer comprises a hand held device.
36. The system of claim 33 further comprising at least one remote viewer, wherein said at least one remote viewer comprises a digital entertainment device.
37. The system of claim 33 further comprising a controller for transmitting the more than one video perspective of entertainment activity from said server to said at least one remote viewer in response to a request from an authorized user at said at least one remote viewer.
38. The system of claim 37 wherein said request is provided to said server following user input at said at least one remote viewer.
39. The system of claim 33 further comprising said at least one remote viewer further comprising a recorder for recording the more than one video perspective of entertainment activity for replay at said at least one remote viewer.
40. The system of claim 33 said server further comprising a memory for storing the more than one video perspective of entertainment activity captured by the synchronized cameras in the arena, wherein the more than one video perspective of entertainment activity is accessible as recorded video data from the memory for selective display at said at least one remote viewer.
42. The system of claim 40 wherein said recorded video data comprises an instant replay.

44. The system of claim 33 further comprising a communications module for transmitting the more than one video perspective of entertainment activity to remote viewers provided in the form of hand held devices located at the arena for display of the more than one video perspective of entertainment activity on said display screen associated with said at least one remote viewer.
45. The system of claim 44 further comprising a wireless transmission module for communicating the more than one video perspective of entertainment activity from said server through a cellular communications system and network to the remote viewers for selective display of the more than one video perspective of entertainment activity on a display screen associated with said remote viewers.
46. The system of claim 33 further comprising a communications network associated with said server, wherein the more than one video perspective of entertainment activity is communicated from said server through said communications network for display on a display screen associated with said remote viewers.
47. The system of claim 46 wherein said communications network comprises a satellite communications network.
48. The system of claim 46 wherein said communications network comprises a digital cable television network.
50. The system of claim 33 wherein said arena comprises at least one of: a boxing arena, a wrestling arena, a football arena, a basketball arena, a racing venue, a concert venue.

51. The system of claim 37 wherein said arena comprises at least one of: a boxing arena, a wrestling arena, a football arena, a basketball arena, a racing venue, a concert venue.

52. The system of claim 39 wherein said arena comprises at least one of: a boxing arena, a wrestling arena, a football arena, a basketball arena, a racing venue, a concert venue.

53. The system of claim 40 wherein said arena comprises at least one of: a boxing arena, a wrestling arena, a football arena, a basketball arena, a racing venue, a concert venue.

54. The system of claim 44 wherein said arena comprises at least one of: a boxing arena, a wrestling arena, a football arena, a basketball arena, a racing venue, a concert venue.

55. The system of claim 45 wherein said arena comprises at least one of: a boxing arena, a wrestling arena, a football arena, a basketball arena, a racing venue, a concert venue.

56. The system of claim 46 wherein said arena comprises at least one of: a boxing arena, a wrestling arena, a football arena, a basketball arena, a racing venue, a concert venue.

57. The system of claim 34 further comprising at least one in-play camera.

58. The system of claim 33 further comprising at least one in-play camera associated with a participant moving within said arena.

59. The system of claim 33 wherein said at least one primary camera comprises at least one RF tag detector adapted to detect at least one RF tag associated with a participant moving within said arena.

60. The system of claim 33 wherein said at least one slave camera comprises at least one RF tag detector adapted to detect at least one RF tag associated with a participant moving within said arena.

61. The system of claim 59 further comprising a tracking module for tracking said participant utilizing said at least one RF tag associated with said participant moving within said arena.

63. The system of claim 33 further comprising:

a laser source located at said primary camera, wherein an optical light beam is transmittable from said laser source towards a moving target within said arena;

a laser light detector associated with said at least one slave camera, wherein said laser light detector identifies termination of a laser beam emanating from said laser source where the laser beam impinges on the moving target; and

a tracking module for automatically tracking the moving target within said arena based on the identification of the termination of the laser beam on the moving target via said laser light detector.

65. A system for transmitting more than one video perspective provided by synchronized cameras simultaneously capturing multiple views of an entertainment activity at an arena for display on a display screen associated with at least one hand held device located in the arena, said system comprising:

synchronized cameras including primary camera and at least one slave camera located proximate to an arena for capturing more than one video perspective of entertainment activity in the arena, wherein the more than one video perspective of entertainment activity can be transmitted from said synchronized cameras to a server;

a server for processing the more than one video perspective of entertainment activity for display on a display screen associated with at least one hand held device physically located in the arena; and

a communications network associated with said server, wherein the more than one video perspective of entertainment activity can be communicated from said server through said communications network to said at least one hand held device;

wherein the more than one video perspective of entertainment activity is displayed on said at least one display screen in response to a user selection at the at least one hand held device, thereby enabling a user of said at least one hand held device to view at least one of the more than one video perspective of entertainment activity through said at least one hand held device.

66. The system of claim 65 wherein said communications network comprises a wireless communications network.

67. The system of claim 65 wherein said communications network comprises a satellite communications network.

68. The system of claim 65 wherein said communications network comprises a digital cable television network.

69. The system of claim 65 wherein said communications network comprises a wireless communications network.

70. The system of claim 65 wherein said communications network comprises a digital cable television network.

71. The system of claim 65 said at least one hand held device further comprising a recorder for recording the more than one video perspective of entertainment activity for replay at the hand held device.

72. The system of claim 65 said server further comprising a memory for storing the more than one video perspective of entertainment activity captured by the synchronized cameras in the arena, wherein the more than one video perspective of entertainment activity is accessible as recorded video data from the memory for selective display at said at least one hand held device.

73. The system of claim 72 wherein said recorded video data comprises an instant replay.

74. The system of claim 65 further comprising a wireless transmission module for communicating the more than one video perspective of entertainment activity from said server through a cellular communications system and network to the remote viewers for selective display of the more than one video perspective of entertainment activity on said hand held devices.

75. The system of claim 65 further comprising a WiFi communications network associated with said server, wherein the more than one video perspective of entertainment activity is communicated from said server through said WiFi communications network for display on said hand held devices.

76. The system of claim 65 wherein said communications network comprises a satellite communications network.

77. The system of claim 65 wherein said communications network comprises a digital cable television network.

78. The system of claim 65 wherein said arena comprises at least one of: a boxing arena, a wrestling arena, a football arena, a basketball arena, a racing venue, a concert venue.

89. The system of claim 65 further comprising at least one in-play camera.

90. The system of claim 65 further comprising at least one in-play camera associated with a participant moving within said arena.

91. The system of claim 65 wherein said at least one primary camera comprises at least one RF tag detector adapted to detect at least one RF tag associated with a participant moving within said arena.

92. The system of claim 65 wherein said at least one slave camera comprises at least one RF tag detector adapted to detect at least one RF tag associated with a participant moving within said arena.

93. The system of claim 74 wherein said arena comprises at least one of: a boxing arena, a wrestling arena, a football arena, a basketball arena, a racing venue, a concert venue.

94. The system of claim 75 wherein said arena comprises at least one of: a boxing arena, a wrestling arena, a football arena, a basketball arena, a racing venue, a concert venue.

95. The system of claim 77 wherein said arena comprises at least one of: a boxing arena, a wrestling arena, a football arena, a basketball arena, a racing venue, a concert venue.

**X. EVIDENCE APPENDIX**

**NONE**

## **XI. RELATED PROCEEDINGS APPENDIX**

Patent application Serial No. 09/902,348, entitled "PROVIDING MULTIPLE PERSPECTIVES OF A VENUE ACTIVITY TO ELECTRONIC WIRELESS HAND HELD DEVICES" was filed 07/10/2001, is currently on appeal. An appeal was filed by Appellants, Luis M. Ortiz and Kermit D. Lopez, on 10/27/2007.